

REMARKS

The Office Action mailed July 22, 2009 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. Claims 30-41 are pending in this application, with claims 34-39 currently withdrawn from consideration. Claims 30 and 42 have been amended herein, support for which may be found in the originally filed application at, for example, paragraphs [0043] and [0047], and FIGS. 7A-7D. New claims 43-47 have been added, support for which may be found in the originally filed application at, for example, paragraphs [0041]-[0042] and FIGS. 7A-7D. Applicants submit that no new matter is introduced.

Claim Objections

Claim 41 stands objected to because of the redundant numbering of claim 41, which has been corrected herein as suggested in the Office Action. Accordingly, Applicant requests withdrawal of the objection.

Claim Rejections - 35 USC § 102/103

Claims 30, 40-41 stand rejected under 35 U.S.C. § 102(b) as anticipated by USPN 4,512,766 to Vailancourt (hereinafter, "Vailancourt"). Claims 30, 33, and 40 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,932,795 to Lopez et al. (hereinafter, "Lopez"). Claims 31-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vailancourt or Lopez. Claim 33 stands rejected under 35 U.S.C. 103¹ as being unpatentable over Vailancourt in view of USPN 5,651,776 to Appling. Claim 42 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez in view of USPN 6,921,396 to Wilson et al. Applicant respectfully traverses these rejections.

Independent claim 30 recites, *inter alia*, "a connector including . . . a distal portion of the passageway including a built-in valve longitudinally fixed with respect to the connector."

¹ The Office Action actually asserts a rejection under 35 U.S.C. 102(b) over a combination of references for dependent claim 33. Applicant assumes this is a typographical error, as the rejection is under the heading "Claim Rejections - 35 USC § 103." Therefore, Applicant will address the rejection as if it were

The Office asserts that independent claim 30 is anticipated by Vailancourt and alternatively by Lopez. Applicant respectfully disagrees. However, without conceding the propriety of the rejection, Applicant has amended claim 30 to include the subject matter clearly not shown or described by either reference in the interest of compact prosecution.

Vailancourt shows and describes an intravenous catheter assembly including a valve located in the catheter hub. (Vailancourt, Abstract.) Specifically, Vailancourt describes a catheter hub internally fitted with an elongated hollow insert. (Vailancourt, col. 2:41-43.) “An elastomeric valve member is placed over the open insert end and, in one embodiment, is an elongated tube or sleeve having a closed valving end which is sealed.” (Vailancourt, col. 2:47-50.) “The closed end provides an engaging surface for a male Luer adaptor such that when the adaptor is positioned within the catheter hub it forces the elastomeric tube to slide longitudinally along the insert and past the insert inlet. As the elastomeric tube moves, a puncture or slit, previously placed in the wall of the closed end of the elastomeric tube, expands over the insert inlet as the tube compresses axially.” (Vailancourt, col. 2:56-64.) Thus, Vailancourt shows and describes a valve in a closed position that is moved axially and longitudinally compressed to open the valve over an insert member. Thus, the valve of Vailancourt is not longitudinally fixed with respect to the connector.

Lopez shows and describes a positive-flow valve device. The device includes a body with an opening at the proximal end which is sufficiently large to receive a standard tip of a medical implement. (Lopez, Abstract.) “The valve includes a plastic, resilient silicon seal which fills the upper cavity and opening with an oval seal cap having a slit. The opening presses the oval seal cap to keep the slit closed in the decompressed state. The slit opens as the nose of the medical implement compresses the seal into the cavity and the seal cap is free from the opening.” (Lopez, Abstract.) Thus, similar to Vailancourt, Lopez shows and describes a valve that is longitudinally moved by an inserted medical device in order to open the valve. Thus, the valve of Lopez is not longitudinally fixed with respect to the connector.

an obviousness rejection. Otherwise, the rejection is improper as the Office admits Vailancourt does not disclose the o-ring, as claimed. (Office Action, p. 4.)

Accordingly, for at least these reasons, independent claim 30 is patentable over the cited references. Also, claims 40-41 as assertedly anticipated by Vailancourt, and 33 and 40 as assertedly anticipated by Lopez are patentable because they depend from a patentable independent claim, and also because they recite features not shown or described by the cited art. Therefore, Applicant requests withdrawal of the rejections under 35 U.S.C. § 102.

With regard to the rejections of dependent claims 31-33 and 42 in view of the combinations set forth above, Applicant submits that each claim depends from patentable independent claim 30 in view of the above. Therefore, without conceding the propriety of the asserted combinations, Applicant requests favorable reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. §§ 102 and 103.

New Claims

Claims 43-47 are added by this amendment. Applicant believes these claims are patentable at least because they depend from independent claim 30, in view of the above, and because they recite additional features not shown or described by the cited references. Accordingly, Applicant respectfully requests favorable consideration and allowance of these claims.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

It is noted that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between the cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein should not be construed to prejudice or

foreclose future consideration by Applicant of additional or alternative distinctions between the claims of the present application and the references cite by the Examiner and/or the merits of additional or alternative arguments.

A fee of \$130 is submitted along with a Petition for a one-month extension of time, and a fee of \$810.00 is submitted along with a Request for Continued Examination. If further fees are due, please charge our Deposit Account No. 50-2191, under Order No. 101672.0019P from which the undersigned is authorized to draw.

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Respectfully submitted,

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